Remarks

The Examiner objected to the disclosure because the Examiner asserts that it allegedly contains an imbedded hyperlink. The Examiner points to page 10, line 5 and page 11, line 2 of the disclosure.

It is note that at those points the specification does include URLs. However, URLs, by themselves, do not form browser-executable code. In order for them to be browser-executable, they would have to be enclosed within appropriate HTML codes to enable them as embedded links. Since they are not enclosed within HTML codes, the text pointed to by the Examiner is not "browser executable." As such, the objection is not meritorious. The Examiner is respectfully requested to withdraw the objection.

In part four of the official action the Examiner rejects claims 12, 13 and 15 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The Examiner asserts that the following terms lack an antecedent basis pointing to "a transaction aid" and "a computer program" in claims 12, 13 and 15. This grounds for rejection is respectfully traversed.

Those terms, since they had begin with the term "a" provide an antecedent basis for their subsequent use in either the claims in question or claims that might refer to those claims. If the noun is proceeded by the word "a", it inherently has an appropriate antecedent basis. The Examiner is respectfully requested to withdraw the rejection.

Claim 15 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being incomplete for omitting "essential elements." The Examiner asserts that the essential elements which are omitted are "computer program product."

With all due respect to the Examiner, that rejection is without merit. Since claim 15 is specifically directed to "a computer program product", how can that element possibly be considered as being "omitted." One would think that an omitted element would be one that was not mentioned in the claim, and therefore a claim might be considered as

being incomplete because it does not mention the element. In this case, claim 15 specifically mentions "computer program product", and therefore the term cannot possibly be omitted. The rejection is without merit and the Examiner is respectfully requested to withdraw it.

The Examiner rejects claim 16 under 35 U.S.C. 102(e) as being anticipated by Christianson (US Patent No. 6,102,969) in paragraph 6 of the official action. However, in paragraph 7 of the official action, when justifying the rejection, the Examiner asserts that Christianson discloses the invention "substantially" as claimed... The Examiner's rationale for rejecting claim 16 provides the very rationale why the claim should not be rejected under 35 U.S.C. 102(e). If Christianson only discloses, at best, the invention "substantially" as claimed, that means that a rejection based upon 35 U.S.C. 102 must fail according to the Examiner's own analysis.

MPEP 2131 states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Under MPEP 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Looking at the Examiner's comments in more detail, it appears that the Examiner tries to equate the DWI or WMI interfaces set forth in claim 16 with the I/O manager discussed in Christianson. With all due respect to the Examiner, what is the connection between DWI or WMI interfaces and an I/O manager? As is explained in the first whole paragraph on page 10 of the application as filed, by using the DWI or WMI interfaces, information can be extracted from the computer system which includes, for example, the type of processor, the type of chip set, the number of hard disk drives, the particular graphic card being used, the serial number of the display or the reference of

the operating system.

On the other hand, the I/O manager of Christianson, as described in column 11, lines 45-55, implements the relevant protocols of the www, namely, gopher, ftp, internet tools, etc.

It is readily apparent that the I/O manager and the DWI or WMI interfaces are quite different. Why is the Examiner equating the two in this anticipation rejection? What possible justification is there for that?

Furthermore, the Examiner suggests that the I/O manager disclosed in Christianson can be used "for collecting data representative of a computer profile." Where is that disclosed? Indeed, the Examiner refers instead to user preferences. Modern operating systems allow multiple users to use a particular computer, with each having their own preferences for interacting with such things as a netbot, as explained by Christianson. So, what is the connection between the user's preferences for interacting with a netbot, for example, and a "computer profile" to which the Examiner tries to equate the term? Since when is a computer profile the same thing as a user preference? More importantly, where does Christianson disclose that either a user preference or a computer profile can be collected by using a DWI or WMI interface?

Claim 16 also refers to "collecting data representative of the computer profile for achieving an electronic business transaction." Where is that taught?

Clearly, Christianson does not teach each and every element of claim 16, and therefore the rejection under 35 U.S.C. 102(e) is without merit and should be withdrawn.

On page 4 of the official action, the Examiner rejects claims 1-15 and 17 under 35 U.S.C. 103 as allegedly being unpatentable over Christianson in view of Geller (US Patent No. 6,199,067). This grounds for rejection is respectfully traversed.

With respect to claim 1, the Examiner asserts, among other things, that Christianson

teaches "containing incomplete information identifying a potential transaction." The Examiner points to column 2, lines 55-61 of Christianson. Those lines are reproduced below:

> "relevant information to the user. On the other hand, each user query is forwarded only to the primary information sources determined to be the most relevant. On the other hand, infor-"

The portion of Christianson that the Examiner cites makes no reference whatsoever to a request "containing incomplete information identifying a potential transaction."

The Examiner also asserts that Christianson teaches "analyzing said abstract request and mapping it to a corresponding one of said remote servers and to one of said predetermined command" and "constructing an aggregated request based upon said mapped command..." The undersigned has read the portion cited by the Examiner and it is not at all clear where Christianson teaches analyzing the abstract request and mapping it to a corresponding one of said remote servers as specifically claimed by claim 1. Indeed, it appears that Christianson teaches just the opposite! Instead of mapping the request to "a corresponding one of said remote servers" Christianson teaches using a shotgun approach when sending a query to a plurality of servers. See, for example, the disclosure at column 3, lines 8-25. Note the discussion wherein Christianson teaches that "all queries are transmitted to all relevant information sources in parallel without waiting for intervening responses." How could such a disclosure be used to anticipate claim 1 wherein claim 1 recites "analyzing said abstract request and mapping it to a corresponding one of said remote servers"?

Turning to claim 3, claim 3 recites that "said local profile contains profile data thereof representative of said platform configuration and are extracted from information available at the basic input operating system (BIOS) level. In rejecting claim 3, the Examiner asserts that Christianson meets this limitation pointing to Figure 3 and column 11, lines 45-67. The Examiner is respectfully requested to reread the section to which he makes reference and to review Figure 3 of Christianson. The Examiner is then requested to review the statements set forth in paragraph 12 on page 6 of the official action. Where is there any suggestion whatsoever in Christianson to support the

Examiner's assertion in paragraph 12 of the official action? Please note that Christianson tells us in the portion cited by the Examiner that the I/O manager is constructed from "commercially available protocol stacks, windowing libraries, such as the Java.awt package and other tools." Note that the I/O manager is preferably scalable to multiple machines and apparently it should be able to run cross-platform. This certainly suggests that the I/O manager is written in a very high-level language such as Java. How can the Examiner possibly equate the I/O manager, which is apparently written in such a high-level language, to the BIOS level of a computer?

It appears that whatever information the Examiner is relying on to reject claim 3, it is not found in Christianson, and therefore, if it exists, it must be in some other document available to the Examiner. The Examiner is respectfully requested to cite whatever material is available at his disposal that equates the BIOS recited in claim 12 with the I/O manager described in Christianson and if the information is based upon the Examiner's own knowledge, then the Examiner is requested to comply with the Rules of Practice and to put that information into Affidavit form as required by the Rules of Practice. Please see 37 CFR 1.104(d)(2).

In the Examiner's analysis of claim 10, and in the Examiner's analysis of claim 5, the Examiner tries to equate the DWI or WMI recitations with the I/O manager of Christianson. The Applicant has challenged that connection, for the reasons given above, and also notes the Examiner's analysis appears to be utterly inconsistent with the Examiner's analysis in claim 3, where the Examiner appears to be equating the I/O manager of Christianson with the BIOS of a computer.

With all due respect to the Examiner, it is asserted that the Examiner is equating things merely for the sake of rejecting claims, as opposed to ascertaining whether there is any real relationship between the terms of the claims and the disclosures of the prior art. It is submitted that the Applicants are entitled to a reasoned explanation as to why, for example, the I/O manager of Christianson can be equated to both the BIOS level of the computer (see claim 3) and at the same time can be equated with the distributed management interface or windows management interface (see claim 5). Please note that

the Examiner has the obligation to clearly explain the pertinency of each reference. See 37 CFR 1.104(c )(2).

Turning to claim 10, the Examiner rejects claim 10 "for similar reasons as stated above in claim 1" as mentioned in paragraph 19 of the official action.

First off, it is noted that claim 1 was rejected as allegedly being unpatentable over Christianson in view of Geller. As to claim 10, the Applicant is told that the Examiner's reasons for rejecting claim 10 are "similar" to his reasons for rejecting claim 1.

With all due respect to the Examiner, this rejection violates 37 CFR 1.104(c ). Please note that 37 CFR 1.104(c )(2) specifically requires that the Examiner, when making a rejection based upon a reference that is complex or describes inventions other than that claimed by the Applicant, that the Examiner must designate "as nearly as practicable" "the particular part relied upon" in the prior art reference.

Claim 10 recites, among other things, "detecting a condition of insufficient resources." Just what "similar" reason has the Examiner set forth in the rejection of claim 10 that has anything at all to do with "detecting a condition of insufficient resources" as expressly set forth in claim 10? It is noted, with all due respect to the Examiner, that it is not up to the Applicant to have to hunt through the complex references cited by the Examiner trying to ferret out just what the Examiner has in his mind when rejecting claim 1 in terms of how that particular limitation, for example, is allegedly shown in the prior art. That is the Examiner's obligation, and with all due respect to the Examiner, the Examiner has not complied with the Rules of Practice in rejecting claim 10 based upon the prior art.

Claim 10 also recites "in response to said insufficient resources detection, automatically identifying one predetermined server..." Where is that shown in the prior art? Where is that discussed in the Examiner's rejection of claim 1? According to the Rules of Practice, the Applicant is entitled to know and understand the Examiner's reasons for rejecting of claims so that the Applicant can either amend the claims or otherwise intelligently

respond to the Examiner's rejections. When the Applicant has not the foggiest clue as to why the claims are being rejected, then the Examiner just prolongs the examination process which works neither to the Examiner's benefit nor to the Applicant's benefit.

The Examiner will note that claim 11 has been amended to place it into independent format so that it no longer depends upon claim 1. Otherwise, the scope of claim 11 has not been modified in any way.

A number of the claims have been amended to remove the reference numerals therefrom. Those amendments in no way narrow the scope of those claims.

Claim 10 has been amended to remove the "steps" terminology therefrom. That amendment in no way narrows the scope of claim 10.

New claims 18-25 are added by this response. New claim 18 is patterned after original claim 1, but it clearly indicates that the transaction is a computer hardware and/or software purchase transaction. In a similar vein, new claim 25 is loosely patterned after original claim 10.

Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

July 2, 2004

(Date of Deposit)

Susan Papp

(Name of Person Signing)

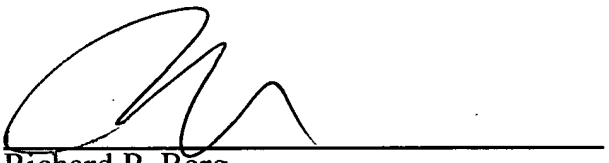
Susan Papp

(Signature)

July 2, 2004

(Date)

Respectfully submitted,



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